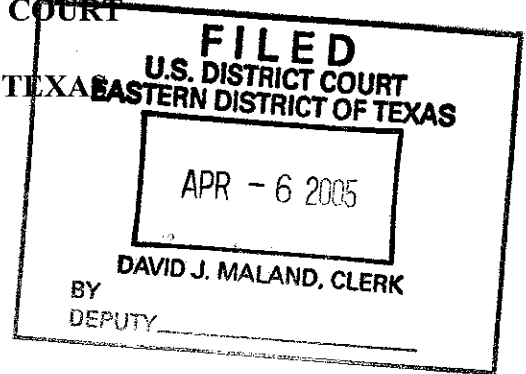


IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION



LEE ANDREW TAYLOR,

§

Petitioner,

§

v.

§

No. 4:04cv150

BRAD LIVINGSTON, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

§

§

Respondent.

§

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the court on Petitioner Lee Andrew Taylor's CJA 30 voucher, submitted on April 4, 2005, which the court treats as a request for attorney's fees. The court, having considered the request, finds that it is well-taken in part and it will be granted in part.

The Fifth Circuit's Plan under the Criminal Justice Act for Representation on Appeal provides in relevant part that the court may authorize compensation for services reasonably incurred. To allow the court to determine whether attorney's fees were reasonably incurred, the Plan requires that all claims for attorney's fees be itemized in detail. In the present case, Taylor's counsel submitted a voucher for 57.2 hours of work at \$125.00 @ hour, a total of \$7,150.00, and he included a detailed, itemized explanation of how he spent the hours claimed. Having reviewed that explanation, the court finds that 47.2 hours of the 57.2 hours of the attorney fees incurred were reasonably necessary. Accordingly, the court will authorize payment for 47.2 hours of work at \$125.00 @ hour, a total of \$5,900.00.

The court notes that according to counsel's explanation, on February 24, 2005, he spent 9.4 hours researching "juvenile death penalty predicate issues," and on March 1, 2005, he spent an unspecified amount of time (which the court assumes was .6 hour) reading the recent opinion in *Roper v. Simmons*, a juvenile death penalty case. Because Mr. Taylor was not a juvenile at the time he committed his offense, however, the court sees no reason why in-depth research of this issue would be necessary. The Court will therefore deny counsel's request for payment as to those 10 hours.

IT IS SO ORDERED.

SIGNED this 6th day of April, 2005.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE